

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Engineering Department

AGENDA DATE: November 16, 2004

CONTACT PERSON/PHONE: Irene Ramirez – 541-4431

DISTRICT(S) AFFECTED: 3

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Consultant shall provide additional or extended construction observation services because the construction contract time has been exceeded by more than 25% of the construction schedule.

Contract Amount: \$3528.00

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The contractor for the George Orr Street & Drainage Improvement project went bankrupt. Project has been delayed. Consultant has extended his services, thus requiring additional compensation.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes – Agreement for Engineering Services between City of El Paso and Frank X. Spencer &

Associates, Inc., “George Orr Road Street and Drainage Improvement” – January 21, 2003

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

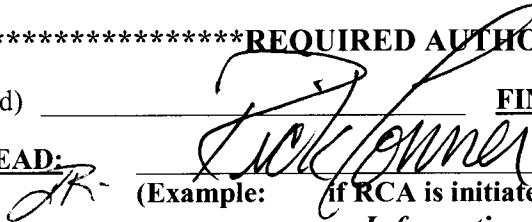
CBDG funds – Yes – G7128CD0031/508027

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: 
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **FRANK X. SPENCER & ASSOCIATES, INC.**, for a project known as **"George Orr Road Street & Drainage Improvements"** in an amount not to exceed **THREE THOUSAND FIVE HUNDRED TWENTY-EIGHT and NO/100 DOLLARS (\$3,528.00)**

ADOPTED THIS 16TH DAY OF NOVEMBER, 2004.

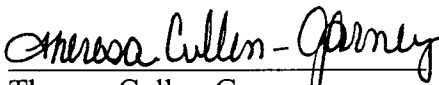
THE CITY OF EL PASO:

Joe Wardy, Mayor

ATTEST:

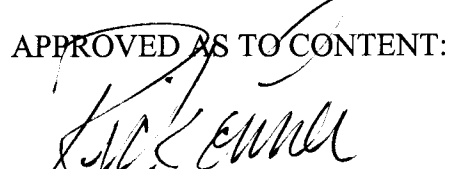
Richarda D. Momsen, City Clerk

APPROVED AS TO FORM:



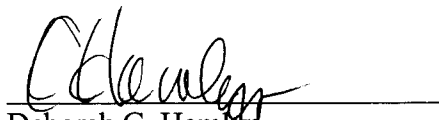
Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:



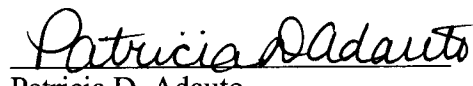
Rick Conner, P.E.
City Engineer

APPROVED AS TO CONTENT:



Deborah G. Hamlyn
Deputy City Manager
for Quality of Life Services

APPROVED AS TO CONTENT:



Patricia D. Adaauto
Deputy City Manager
for Building and Planning Services

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

**FIRST AMENDMENT TO AN
AGREEMENT FOR ENGINEERING SERVICES**

This **First Amendment** is made this _____ day of November, 2004, by and between **THE CITY OF EL PASO**, hereinafter referred to as the “**Owner**”, and **FRANK X. SPENCER & ASSOCIATES, INC.**, hereinafter referred to as the “**Engineer**”.

WHEREAS, on January 21, 2003, the Owner entered into an Agreement for Engineering Services with the Engineer for a Project known as “George Orr Road Street & Drainage Improvements” (the Agreement), and

WHEREAS, Ortega Construction Co., Inc. entered into a construction contract with the Owner dated Jan. 6, 2004 for a project known as the George Orr Road Street & Drainage Improvements, and

WHEREAS, Ortega Construction Co., Inc. defaulted and terminated the construction contract, and the Owner subsequently called upon the Contractor’s Surety to arrange for completion of the Project under the terms of the Performance Bond, and

WHEREAS, the Contractor’s Surety has obtained a proposal from a contractor who can conform with the terms of the construction contract for the completion of the work under the contract,

WHEREAS, the Owner desires to extend the amount of time for the Engineer to provide services during construction,

NOW, THEREFORE, it is hereby agreed as follows:

1. Scope of Services

In accordance with Section II., Part A., *Additional Services of the Engineer*, of the Agreement, the Owner hereby authorizes the Engineer to extend the scope of work to include extended time and services during construction.

2. Time of Completion

Paragraph IV., *Period of Service*, B., shall be revised to read as follows:

The Engineer shall complete these additional services within ninety (90) consecutive calendar days following authorization of the notice to proceed to the new construction contractor.

3. **Payments to Engineer**

The Owner shall pay the Engineer an amount not to exceed **THREE THOUSAND FIVE HUNDRED TWENTY-EIGHT and NO/100 DOLLARS (\$3,528.00)** for the requested services performed under this amendment.

Payment shall be contingent on the Owner's approval of the work performed by the Engineer. The method of payment shall be made pursuant to the schedule of payments outlined in Section V of the Agreement. The Engineer's fee proposal for the additional services is attached hereto as **Exhibit "A"**.

4. **Terms and Conditions**

All terms and conditions of the Agreement and any subsequent amendments, except as herein revised, shall remain in full force and effect.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

OWNER: THE CITY OF EL PASO

ATTEST:

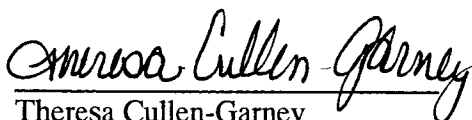
Joe Wardy, Mayor

Richarda Duffy Momsen, City Clerk

ENGINEER: FRANK X. SPENCER &
ASSOCIATES, INC.

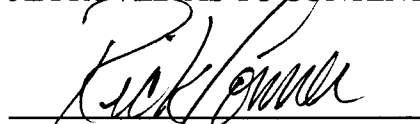
By: _____
Victor H. Enciso, P. E. Principal

APPROVED AS TO FORM:



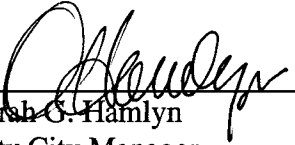
Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:

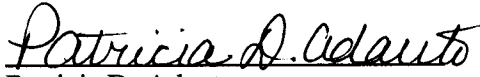


Rick Conner, P.E.
City Engineer

APPROVED AS TO CONTENT:


Deborah G. Hamlyn
Deputy City Manager
for Quality of Life Services

APPROVED AS TO CONTENT:


Patricia D. Adaauto
Deputy City Manager
for Building and Planning Services

ACKNOWLEDGMENTS

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

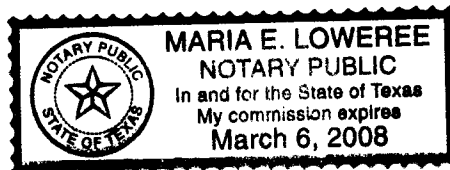
This instrument was acknowledged before me on this _____ day of November, 2004,
by _____, as **Mayor of the City of El Paso, Texas.**

Notary Public, State of Texas

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 11th day of November, 2004, by
Victor H. Enciso, P.E., as **Principal of Frank X. Spencer & Associates, Inc.**


Notary Public, State of Texas



FRANK X. SPENCER & ASSOCIATES, INC.

Consulting Civil Engineers & Surveyors

1001 Montana • El Paso, Texas 79902

Frank X. Spencer, P.E., R.P.L.S.

(915) 533-4600

FAX (915) 533-4673

e-mail: elpaso@fxsa.com

November 9, 2004

Mr. Kareem Dallo, P.E.
Engineering Section Chief
City of El Paso
2 Civic Center Plaza
El Paso, TX 79901


Re: George Orr Street & Drainage Improvements.

Dear Mr. Dallo,

Please find attached additional services cost estimate for the referenced project. Our estimate is based on our engineering agreement with the City of El Paso Section II, Sub-Section A, Paragraph 11 under b. for Prolongation of the construction contract time by more than twenty five percent (25%), provided that such prolongation is not caused by errors, negligence, or other fault on the part of the Engineer, and under c. for acceleration of the work schedule.

If you have questions, or if we can be of any further assistance, please call me at (915) 533-4600.

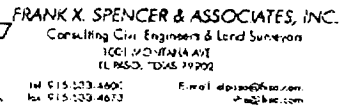
Sincerely,


Victor H. Enciso, P.E.
Principal

PECOS

EL PASO

Exhibit "A"
192



PROJECT: George Orr Street & Drainage Improvements

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100-0341

Exhibit "A":
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